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Forty-ninth session

SUMMARY RECORD OF THE 14th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 14 August 1997, at 10 a.m.

Chairman: Mr. BENGOA

later: Mr. PARK

later: Mr. BENGOA

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The meeting was called to order at 10.25 a.m.

THE IMPLEMENTATION OF THE HUMAN RIGHTS OF WOMEN:

(a) TRADITIONAL PRACTICES AFFECTING THE HEALTH OF WOMEN AND THE GIRL CHILD

(b) THE ROLE AND EQUAL PARTICIPATION OF WOMEN IN DEVELOPMENT

(agenda item 5) (continued) (E/CN.4/Sub.2/1997 10 and Add.1; E/CN.4/Sub.2/1997/NGO/6)

1. Ms. McDOUGALL said that gender-biased inheritance laws and practices continued to deny women in many countries the right to succeed to equal shares of property on the death of a husband or father. Such problems were often compounded by other practices such as the existence of multiple, inconsistent laws, divergent traditional and religious norms, legal illiteracy among women coupled with a lack of access to judicial remedies, gender insensitivity in the judiciary, and contemporary economic and environmental concerns.

2. Women's rights to own property were often contingent on their rights to inherit property, which in turn had a crucial influence on opportunities to enjoy full and equal access to, and ownership and control of, additional vital resources, such as loans and credit.

3. In some systems, the law deprived women of all inheritance rights. In others, they were granted limited rights but male heirs took precedence over female heirs in the order of succession, regardless of the degree of relationship to the deceased. Women were in some cases denied the capacity to make a will or to serve as administrators or executors of estates.

4. The ability of women to own and control land was critical to their full and equal participation in agricultural and economic development. The obstructions created by gender-biased inheritance laws and practices were therefore undermining efforts to encourage the responsible participation of women in sustainable development activities.

5. In many countries, national legislation to address such inequities were regularly pre-empted by conflicting customary norms or religious laws. In the United Republic of Tanzania, for example, a statutory law providing for equal distribution of assets to children, regardless of gender, was rarely used and most communities applied customary law, which favoured boys and men over girls and women unless it could be proved that the way of life of the deceased was contrary to customary norms. Tanzanian customary law also denied women the right to be named as administrator of an estate, a distinction which could have devastating effects. Moreover, inadequate legal support and institutional and administrative bias against women could leave the victims of such abuse with no redress. The international community must encourage cooperation among national and local bodies to develop means of harmonizing national legislation and customary norms with international standards.

6. Efforts to address such problems would be facilitated by the endorsement at the international level of the clear and consistent principle, stated in

Economic and Social Council resolution 884 D (XXXIV) and quoted by the Committee on the Elimination of Discrimination against Women (CEDAW) in General Recommendation 21, that women and men in the same degree of relationship to the deceased were entitled to equal shares in the estate and equal rank in the order of succession. Recommendation 21 also called on States parties to comment on their legal or customary provisions relating to inheritance matters as they affected the status of women in their periodic reports to the Committee.

7. Unfortunately, the Commission on the Status of Women, while reaffirming at its 1997 session that women should be accorded full and equal rights to own land and other property, inter alia through inheritance, had not directly addressed the problem of discriminatory inheritance schemes, under which their proportional shares were still determined by gender.

8. The organizations of the United Nations system must collectively call on States to harmonize national, local, customary and traditional rules that impinged on women's rights to full and equal inheritance with core principles of international human rights law.

9. She urged the Sub-Commission to reinforce the monitoring activities of CEDAW by reaffirming the principle that the full recognition of the equality of women must include equal rights to equal shares of inheritance.

10. Mrs. DAES, referring to paragraphs 14, 15 and 21 of the follow-up report (E/CN.4/Sub.2/1997/10) of the Special Rapporteur on traditional practices affecting the health of women and children, said that, while it was important to respect the values and traditions of all peoples, there could be no justification for such practices as the enslavement of over 30,000 girls in West Africa, some as young as 4, and their subjection to hard labour, hunger and even violence and rape.

11. Female genital mutilation was a major problem in some regions of the world and was rightly attracting increasing public attention. She encouraged the World Health Organization (WHO) to continue gathering information on the practice and its inhuman consequences and to disseminate its findings through its regional offices in order to educate public opinion, particularly in countries where it was still prevalent.

12. The Plan of Action for the Elimination of Harmful Traditional Practices Affecting the Health of Women and Children must be supported and implemented wherever such practices existed and the international community should provide assistance, where necessary, for their eradication.

13. She supported the conclusions of the Special Rapporteur and hoped that the Commission would give her the opportunity to continue her work.

14. Mrs. DORKENOO (World Health Organization) said that WHO was committed to the abolition of all forms of female genital mutilation, which it viewed as a form of violence against girls and women with serious physical and psycho-social consequences. It affirmed the need for protection and promotion of the rights of girls and women to bodily integrity and the highest attainable standard of physical, mental and social well-being. WHO also

strongly condemned the involvement of health professionals in female genital mutilation in any setting, including hospitals and other health establishments, and was developing training materials, including guidelines, to provide health care workers with the knowledge, skills and attitudes required to prevent and eliminate the practice and to deal with the resulting health complications.

15. A WHO Regional Plan of Action to Accelerate the Elimination of Female Genital Mutilation in Africa, released simultaneously in many African countries in March 1997, set short-, medium- and long-term goals for the countries of the region.

16. WHO, the United Nations Children's Fund (UNICEF) and the United Nations Population Fund (UNFPA) had issued a joint statement in April 1997 to the effect that they supported the efforts of Governments and communities to promote and protect the health and development of women and children.

17. Political leaders, professionals, development workers, local communities and their leaders, and women's groups and organizations must be actively involved in promoting public awareness of harmful traditional practices and their efforts must be supported through international advocacy and collaboration.

18. Mrs. PALLEY said she remembered with shame that 20 years previously she had been opposed to the publication by the Working Group on Minorities of a pamphlet on the subject of female genital mutilation. She feared that all too many males in different parts of the world still failed to recognize the wickedness of the practice.

19. She supported Ms. McDougall's statement on inheritance rights. Forty years previously, she had drafted a resolution for the Parliament of what was then Southern Rhodesia, urging it take some form of action on the unequal rights of inheritance of African women. It was a shocking fact that the situation remained unchanged and had not even been remedied since Zimbabwe became independent.

20. The perception of religion in certain theocratic States was not always justified by sacred writings but often resulted in severe discrimination against women. She was pleased to say that Pakistan, currently celebrating the fiftieth anniversary of its independence, was contemplating the reform of such discriminatory legislation. She hoped that the process would be a speedy one.

21. Ms. BRIDEL (International Research and Training Institute for the Advancement of Women) said that the rights of women were not separate from universal human rights but a gender perspective was needed to make human rights relevant to the lives of women. The ability of women to enjoy human rights was undermined by structural discrimination, which was built into political and economic systems, entrenched in law and reinforced by cultural and religious practices. The rapid pace of economic growth in recent decades had been accompanied by widening disparities between and within States. Among those disparities, inequality based on gender was the most persistent. Women

constituted a majority of the world's poor. They were denied access to key elements of empowerment such as education, social and economic infrastructure, and physical and social freedom of movement.

22. The greatest challenge facing the international community consisted in closing the enormous gap between international norms and standards and the reality of deprivation and discrimination suffered by women. Development strategies were not gender-neutral and should be designed to create the conditions for women's empowerment. To that end, research based on improved gender-specific concepts and methods was needed to provide policy-makers with reliable statistics and indicators on women and gender issues.

23. Mr. Park took the Chair.

24. Ms. FALLETTI (Transnational Radical Party) said that her organization was concerned that women continued to be excluded from certain United Nations initiatives, particularly the intra-Timorese dialogue which was being held alongside the ministerial talks between Portugal and Indonesia sponsored by the Secretary-General. Only one of the 29 participants in the dialogue was a woman. She urged the Secretary-General and the Governments of Portugal and Indonesia to ensure that invitations were extended to competent Timorese women so that they could participate in full, and not as mere tokens, in the peace process.

25. She referred to resolutions adopted by the European Parliament in May and June 1997 concerning the escalating use of violence against the East Timorese by Indonesia during the Indonesian general elections. At a Conference on the Situation of Women in Occupied Territories, the Parliament had heard the testimony of an East Timorese woman who had been forced to seek asylum in the Australian Embassy in Jakarta because of persecution by the Indonesian military. Major human rights organizations had reported on many occasions that Timorese women were subjected to arbitrary arrest, torture, rape and forced nudity. In addition, the Fourth World Conference on Women, held in Beijing in 1995, had noted in its report (A/CONF.177/20/Rev.1) that the Indonesian authorities used forced birth control against Timorese women and contraceptive devices that were likely to have long-term physical and psychological effects.

26. Her organization emphasized the importance of ensuring the equal participation of women in implementing the principles laid down in the Vienna Declaration and Programme of Action so that they could freely determine their own future.

27. Mr. SHIOKAWA (International Association of Democratic Lawyers) said that among the traditional practices affecting the health of women and girls in Japan was the relocation policy operated by some Japanese companies. Employees refusing to comply with a relocation order were often dismissed for insubordination. In one case a woman with a three-year-old child, employed at Kenwood Corporation, was dismissed after refusing to comply with her transfer to a remote location requiring over 4 hours' travel to work a day. The first and second court hearings had ruled that the company had acted lawfully; the case was currently before the Supreme Court. In other cases workers - probably as many as 250,000 - were forced to leave their families to work far

from home, often for many years. It affected the health of women and children and often led to the break-up of families. In recent years the system had been applied to women as well as to men.

28. Workers were increasingly having to work late at night and during holidays. Fathers hardly saw their children and often mothers were working, as well. By revising the Labour Standards Act in the name of deregulation, the Japanese Government was creating a framework not for shortening but for lengthening working hours. Another traditional practice that discriminated against women was that many companies employed women only on a part-time basis, with the result that one in three of all female workers was in irregular employment, earning low wages and at constant risk of dismissal. Some 14,000 people, including 5,000 nurses, working at State-run hospitals, were treated for clerical purposes as part-time employees, despite having the same qualifications and working under the same conditions as full-time employees. Since April 1994 the wages of the "part-time" employees had been arbitrarily lowered and 3,000 had been obliged to leave. Equality between men and women in the Japanese workplace would not be achieved until such discrimination was eliminated.

29. He requested the Sub-Commission to investigate the matter and hoped that the Japanese Government would review its policies.

30. Ms. CASAS (Pax Romana) said that despite the commitments by States following the Fourth World Conference on Women, the actual situation regarding protection and respect for women's human rights was totally unacceptable, particularly in situations of armed conflict, when violence against women was used as a weapon and strategy of war. A case in point was Sri Lanka where Tamil women had been raped, tortured and murdered by the armed forces. On 17 May a 35-year-old Tamil woman had been raped by 20 members of the police force in Batticaloa in front of her three children and then brutally murdered by having a grenade inserted in her abdomen. That was but one example; a report by Chinese humanitarian organizations indicated that in 1996 about 150 Tamil girls had been raped by law enforcement personnel. The passivity of the Sri Lankan Government in the face of such atrocities ran counter to the most basic humanitarian principles.

31. Violence against women took different forms in countries where armed conflict had ended. Widows and orphans had had their houses and possessions taken from them by force. Those widowed and orphaned in the former South Viet Nam had not only had their property confiscated by the incoming Government but had been deported en masse to the New Economic Areas, concentration camps for the civilian population, lacking health and education services or any government support. Pensions had been withdrawn, even though the Government had taken over all the assets of the previous regime of South Viet Nam.

32. Contrary to the principle expressed in the Beijing Platform for Action that women should have an equal right with men to the highest standards of physical and mental health, women suffered much ill health, often as a result of extreme poverty or a lack of medical assistance. In poor countries women ran the risk of death or maiming. Following childbirth some 2 million women throughout the world suffered from a condition that required surgical

treatment caused by the tearing of the vagina. The highest incidence was in some African countries but it also occurred in Haiti, India, Pakistan and Bangladesh. The situation had also deteriorated in Afghanistan, where access by women to surgical treatment had been curtailed by law. In addition, Pax Romana shared the deep concern expressed by the Committee on the Elimination of Discrimination against Women regarding the continuing practice of genital mutilation of women in Uganda and Ethiopia. She recalled that the World Health Organization had embarked on a study in 1995 on the role of the public health sector in preventing and managing the consequences of violence against women.

33. With regard to the role and equal participation of women in development, she said that there was a disturbing increase in repressive and discriminatory measures affecting women. Prohibitions on choice of husband, work outside the home and forms of dress struck at women's freedom and dignity. In the Islamic Republic of Iran the "Law on depraved clothing" banned clothing offensive to "public chastity", such as veils that did not hide the head and neck. Those in contravention of the law could receive three months' imprisonment, a fine or up to 74 lashes. Iran also prohibited the marriage of a Muslim or Iranian woman to a non-Muslim or non-Iranian, whereas no such prohibition applied to men.

34. She requested the Sub-Commission to adopt a recommendation to urge States, especially those she had mentioned, to bring in and apply legislation to protect women against all forms of violence; to stress the importance of considering all forms of indiscriminate and massive violence against women as a punishable act by the International Criminal Court, following Commission resolution 1997/44; and to press States to contribute to a fund to help in situations of extreme ill health among women, especially in Africa. Pax Romana had been an active participant in formulating the revised draft practical measures, strategies and activities in the field of crime prevention and criminal justice for the elimination of violence against women, currently under discussion at the Commission on Crime Prevention and Criminal Justice in Vienna. It would be good if the Commission on Human Rights could, through the Special Rapporteur, contribute to the draft, both for the protection of human rights and to encourage cooperation between United Nations bodies.

35. Mr. BAUMGARTNER (International Educational Development) said that his organization was concerned at the situation of women, especially from African countries, who were considered carriers of what had become known as HIV. Such women and their children were in danger from forced or involuntary medical treatment with no medical justification: they were exposed to government-funded trials with the extremely toxic substance azidothymidine (AZT), on an unsound scientific basis. The Governments of Zimbabwe and South Africa were looking into the possibility of running such trials, even though AZT could cause psychological distress, physical harm or even death.

36. In 1984 HIV had been declared, without prior publication of the data or debate in the scientific community, the "probable" cause of AIDS. No one had shown how HIV caused AIDS, but the hypothesis had come to be believed in medical circles. Anyone questioning it was ridiculed, silenced or considered

irresponsible. Yet on that shaky basis toxic drugs with the misleading label "anti-virals", such as AZT and its successors, had been given to pregnant women and young children, most recently in Africa. The conventional thinking was that AIDS in Africa was somehow explicable by Africans' sexual predilections, but generalizations on the matter were analytically useless for a diverse continent of 650 million people. Despite studies showing that sexual behaviour in Uganda, for example, was no different from that in North America, racist statements were frequently made regarding the origin of HIV.

37. Women had been made responsible for taking the necessary preventive measures to solve the AIDS problem in Africa, perpetuating the patriarchal notion of blaming the victim. Meanwhile, the medical authorities violated the Hippocratic oath by prescribing AZT, which was discredited on several accounts. Its biochemical mechanism was extremely simple: it terminated the creation of DNA. The original claim that AZT attacked only the viral DNA synthesis, leaving the human cellular DNA synthesis untouched, had been proved false: AZT could not distinguish between the two kinds of DNA. It was particularly toxic for fast replicating cells, such as those in foetuses and infants. It was known that only about half the children born to HIV-positive mothers tested positive at birth and the vast majority of those ceased to be HIV positive within about two years, without any therapeutic intervention at all.

38. The Pasteur Institute had claimed to have isolated HIV from a patient who did not have AIDS. Independent research had since shown that neither of the two doctors most involved in research had followed the rules designed for retroviral isolation and indeed they disagreed on which proteins should actually be considered HIV. Such documented facts called into question all currently used "AIDS tests". Yet there had been substantiated cases of mothers in Europe and the United States being threatened with losing custody of their newborn children if they refused immediate AZT treatment, since being labelled HIV-positive made them unsuitable mothers. African refugee mothers in England had been enrolled in AZT trials without sufficient knowledge of the effects. Some mothers did not know that the syrup given to their children contained AZT, so that the toxic effect suffered by many of the children was attributed to HIV rather than to the well-documented detrimental effects of AZT. The Anglo-French Concord study carried out to prove the benefits of giving AZT to people who were asymptomatic had shown that not only were there no benefits, but that there was higher mortality among those taking AZT than those taking the placebo. The definition of AIDS had, however, been changed in 1993 to justify giving asymptomatic individuals AZT. The scientific community had been given a licence to kill. The pharmaceutical industry and the registration authorities had avoided their obligations both to consider documented damage and to prove that mortality among AIDS patients was not connected to their drug treatment. He urged that national AIDS authorities should be asked to submit scientific papers to show HIV isolation using the standard Pasteur protocol and to demonstrate how HIV caused AIDS.

39. Ms. BLOEM (World Federation of Methodists and Uniting Church Women) recalled the pivotal role of the Sub-Commission in having explicitly stated in its resolution 1992/4 that women's rights were "inalienable human rights".

There had been unprecedented advances in women's human rights since then, but violence, killings, rape, sexual assault and harassment, trade and trafficking, sexual abuse and exploitation of women and girls continued to occur and in some cases to increase. Among girls, one in four was sexually abused and among boys one in 10.

40. Among other outrages was the fact that some 60 million women who should be alive were "missing" because of gender discrimination, mostly in south and west Asia, China and north Africa; in the United States of America a woman was physically abused by her intimate partner every nine seconds; in India, more than 5,000 women were killed each year because their in-laws considered their dowries inadequate; in some countries in the Middle East and Latin America, husbands were often exonerated from killing an unfaithful, disobedient or wilful wife on the grounds of "honour"; the use of rape as a weapon of war had been documented in seven countries in recent years; in Bangladesh throwing acid to disfigure a woman's face was so common that it warranted its own section of the Penal Code; about 2 million girls a year were genitally mutilated; millions of children, overwhelmingly female, were forced into prostitution every year.

41. Violence against women was so deeply engrained in the social fabric of many cultures that it often continued to be tolerated in silence. The real issue was to change the perception - so deep-seated that it was often unconscious - that women were fundamentally of less value than men. Recent efforts to change that perception within the United Nations system through "gender mainstreaming" were welcome, but the effort must extend beyond the United Nations system and permeate the whole of society. Non-governmental organizations (NGOs) had acquired significant experience in that respect, but they had a long way to go. They should share information on best practices and examples with United Nations bodies - as one NGO was already doing - so as to provide valuable guidelines to both Governments and United Nations agencies.

42. Lastly, she drew attention to two examples of creating awareness of gender-based violence. In 1996 the General Conference of the United Methodist Church had adopted a resolution on rape in times of conflict and war, calling inter alia for pressure for legal and political decisions to protect victims of rape in times of war. The British Methodist Conference had stood in silence and apology on receiving the report on sexual harassment and abuse within the Church that it had commissioned, a 152-page document of critical self-examination.

43. Mr. EIDE said that he was glad that the Sub-Commission was at last taking women's rights seriously. Although the relevant provisions already existed in the Charter of the United Nations and the Universal Declaration of Human Rights, it had taken a long time to turn them into reality. Women should have protection not only against third parties but against so-called "traditional" practices, whose continued existence was almost unbelievable. He applauded the work of Mrs. Warzazi with regard to such practices, which she had carried out against considerable opposition, and also of Mrs. Coomaraswamy, the Special Rapporteur. He called on NGOs, Governments and United Nations peacekeeping forces to be alert to the possibility of such

practices and to put a stop to them wherever possible. He also agreed with Ms. McDougall regarding the importance of equality in inheritance law, which would give women security and freedom.

44. Mr. ZAFFAR (World Muslim Congress) said that women and girls in Indian-held Kashmir were routinely abducted, molested and publicly raped by members of the Indian occupying forces, for supporting their menfolk's resistance to Indian occupation. The exact number of victims would never be known, for Kashmir was a devout and conservative society in which many of the victims would sooner die than be subjected to the additional humiliation of disclosing their fate.

45. A fact-finding team made up of six Indian human rights activists had recently visited Kashmir. Its report alleged that on the night of 22-23 April 1997, men from the 13th Rajasthan Rifles had raped seven women in the village of Wavoosa, and that the local police had refused to open a file on the case, as it involved soldiers of the Indian army. The team had also visited the village of Tulmulla, near Srinagar, and had found evidence that Indian army units habitually conducted physical searches of girls travelling to and from school. He himself had recently met a family that had fled from Indian-held Kashmir whose three womenfolk, aged 13, 40 and 70, had been gang-raped by soldiers of the Indian security forces. Many other such cases had been documented by the Srinagar-based Institute of Kashmir Studies. Rape was used as one component of a well orchestrated plan to break the spirit of the Kashmiri people. Nor did the victims have any redress, as the Human Rights Commission of India and the State Human Rights Commission for Jammu and Kashmir had no mandate to investigate cases involving the security forces. India must be made answerable for the crimes committed by its State agents, and the Sub-Commission must ensure that henceforth soldiers guilty of crimes against Kashmiri women were prosecuted and punished by the Indian authorities.

46. Mr. JOINET noted from paragraph 7 of Mrs. Warzazi's report (E/CN.4/Sub.2/1997/10) that little interest had been shown by Governments in the requests for information that had been addressed to them. Such information was of crucial importance in dealing with the topic, and he hoped that at the next session he would be able to commend, not only NGOs, but also States, for their cooperation with the Special Rapporteur in that regard.

47. Mr. GUISSÉ said that the harm inflicted on victims of rape and their families could to some extent be compensated for, but could never be fully repaired. Women were victims of violence and humiliation in countries occupied by external armed forces, and also in countries where peacekeeping or peacemaking forces were present. Unfortunately those forces often neglected their mission of restoring peace, instead attacking and raping innocent civilians. Such activities tarnished the image of the international community and its component institutions.

48. On the question of traditional practices, he said that patience and tact would be needed in order to fight such deep-rooted traditions, which could not be eradicated overnight. Information, awareness-raising, education and dissemination of standards must be used to bring about an understanding that those practices constituted not only a grave violation of women's and children's rights, but also a grave threat to public health.

49. Mr. SAFI (World Society of Victimology) said that a glance at the conflicts currently raging throughout the world was enough to demonstrate that the objectives set forth in paragraphs 4 and 6 of the Declaration on the Protection of Women and Children in Emergency and Armed Conflict were not being met. Unfortunately, women were rightly identified by invading armies and occupation forces as the weakest link in the chain of resistance.

50. It was not difficult to understand why. First, women were generally unable to defend themselves and unlikely to offer armed resistance. Secondly, if they were targeted their menfolk came to their defence, and could then be arrested, tortured or killed. Every man so diverted was a loss to the freedom movement. Thirdly, fear for the safety of their womenfolk made all but the most determined men abandon their pursuit of the right to self-determination. Lastly, targeting its women was the easiest and surest way to humiliate a proud people. Those in charge of operations in Indian-held Kashmir were well aware of those facts, and Indian troops had implemented that deliberate policy with admirable efficiency.

51. He would not burden the Sub-Commission with details of the horror and rapine let loose in Indian-held Kashmir: those details were widely available in reports by Amnesty International, Asia Watch and other human rights organizations. Instead, he would focus on the issue of the less than satisfactory international safeguards against the abuse of women. While it was an admirable achievement, the Convention on the Elimination of All Forms of Discrimination against Women focused almost exclusively on the discrimination aspect - a major issue in societies that functioned normally. However, in societies torn apart by conflict, occupation and alien domination, the existence of "glass ceilings" in corporate boardrooms was the least of a woman's worries as she frantically locked doors and hid in closets or under the bed at the sight and sound of uniformed soldiers of an occupying army. The futility of such precautions had been demonstrated from Bosnia and Herzegovina to Jammu and Kashmir.

52. The time had come to work for a convention on protection of women in times of conflict. While it could be claimed that that issue was already more or less covered by the Geneva Conventions, the fact remained that there was a protection gap where the human rights of women in armed conflict were concerned. A human rights instrument was needed to deal with the problem, perhaps taking the form of a protocol to the aforementioned convention, although his organization believed that the best approach would be to have a separate convention. It recommended that the Sub-Commission should undertake a study of the problem, which, it was to be hoped, would result in the elaboration of a full-fledged convention. Such a convention would probably be one of the most widely ratified instruments in the United Nations arsenal. However, the one country that would be missing from the list of signatories would be India, if it insisted on maintaining its illegal occupation of the territory of Kashmir.

53. Ms. SHAUMIAN (International Institute for Peace) said that the sad truth was that the more the international community talked about the sufferings of women and children, the more they suffered - victims of wars, civil strife, terrorism, family feuds, hunger and disease. There was also the perennial

problem of female child labour, a practice that existed even in "civilized" Europe, for instance in Italy. Adults were to blame for those problems, and, in an interesting initiative, students of a middle school in Korolev, Russian Federation, had proposed the setting up of a Youth Ecological Association, arguing that women and children bore the brunt of the negative effects of discrimination and terrorism, the cult of the gun, military conflicts, drug addiction and damage to the environment. Perhaps the most cruel and cynical practice affecting women and children was their use as "human shields" in military conflicts. An effective international convention should be devised to prohibit that practice.

54. Ms. HARISH (Indian Council of Education) said that the restrictions imposed on women were largely the result of stereotypes evolved over centuries, and also in some cases the result of economic imperatives. Many developing countries had patriarchal systems in which girl children placed a burden on families, as a dowry had to be paid when they married. Yet the perception of women as the weaker sex was belied by the existence of women soldiers in developed countries' armies, and of women engaged in manual and agricultural labour. Women had been presidents and prime ministers, and had made a contribution to their societies equal to that of their male counterparts.

55. If a tendency remained to dismiss women as inferior creatures, it was possible that women themselves sometimes fed that stereotype, tamely acquiescing to the discrimination practised against them, for reasons of emotional, financial and physical security, as a result of peer pressure, or through excessive preoccupation with their personal appearance. In many developing countries, a lack of awareness, as well as illiteracy and the burden of tradition, had made women inferior beings. Where women had banded together to fight for their rights, they had achieved recognition, economic independence and the respect of the male-dominated societies that had subjugated them.

56. Awareness was the key to freedom. A woman respectably clad and content to work in a kitchen yet aware of her identity and potential was perhaps more liberated than one who moved freely in society but had transformed herself into a sex symbol. Women's mode of dress could not automatically be equated with their level of freedom. In the Islamic Republic of Iran, women clad in black chadors had marched on the streets against the Shah's army, and more recently had exercised their franchise to contribute to the victory of a non-establishment election candidate.

57. The hardships and discrimination women faced in many developing countries could be overcome through education, not only of women themselves, but of society as a whole; for as literacy and awareness levels rose, the baggage of superstition, outdated customs and traditions was jettisoned. To that end, however, States must provide the structures and facilities that enabled women to be educated. A more intractable problem was the plight of women in societies where social and traditional prejudices were actually consolidated by the constitution and legislation. In such societies the only option available to women was to band together and assert their rights, making Governments and rulers aware that society could not function if one of its partners was shackled. Even the most illiterate woman in the remotest village

knew when she was being denied her rights; but no forum existed in which she could make herself heard. The NGO community must undertake a sustained programme to organize women and enable them to visit the Sub-Commission, so that they could see that there was a world concerned about them and aware of their potential and talent, and that they no longer needed to suffer in silence. At the same time, the international community must ensure that countries which had enacted laws or constitutions discriminating against women gave them the equality that was their due.

58. Ms. GOVIN (Equality Now) said that her organization was concerned at recent developments in the Gambia and Egypt detrimental to the health and welfare of women and children. Previous estimates had suggested that 80 per cent of the female population in Egypt had undergone genital mutilation; yet a 1995 demographic health survey of 14,000 married Egyptian women aged between 14 and 49 had revealed that 97 per cent had undergone such mutilation. On 24 June 1997 an Egyptian court had overturned a ban prohibiting licensed health professionals from performing female genital mutilation. In his decision overturning the ban, instituted in July 1996 by the Minister of Health, the judge had equated the practice to a form of surgery, which doctors had the legal right to perform. Her organization was deeply concerned at the medicalization of female genital mutilation, which some doctors in Egypt apparently supported, in spite of increasingly vocal opposition from human rights and women's organizations. That practice defied the code of medical ethics, for it served no medical purpose and inflicted great harm. Her organization supported the appeal against the administrative court decision lodged by the Egyptian Ministry of Health, as well as the continued enforcement of the prohibition of the practice pending a final court decision. It also called upon the Sub-Commission to ascertain what specific actions had been taken by the Egyptian Government to eliminate the practice.

59. It was estimated that 70-80 per cent of the female population of the Gambia had undergone female genital mutilation, usually in the form of excision, with some incidence of infibulation. The director of broadcasting services of GAMTEL, a State-owned company controlling the major radio and television stations in the Gambia, had prohibited the broadcasting of any programmes that opposed the practice, a decision that had moved NGOs campaigning against female genital mutilation to protest to the President of the Gambia. The Government of the Gambia had an obligation to comply with international agreements and instruments to which it was a signatory, including the Convention on the Elimination of All Forms of Discrimination against Women, and had a duty to ensure that policies which thwarted the campaign to eliminate female genital mutilation and which were detrimental to the health and welfare of women were rescinded.

60. She requested the Sub-Commission to look into the measures implemented by the Governments of Egypt and the Gambia in response to the situation she had described, and to call on the relevant United Nations agencies to support all those working to put an end to the practice of female genital mutilation.

61. Mrs. GWANMESIA congratulated Mrs. Warzazi on her work over the years on traditional practices affecting the health of women and children. The current agenda item should not be the concern of women alone. Women and girls

required protection and encouragement from birth, and Governments, national and international authorities that had striven to encourage women to fight against discrimination deserved praise.

62. Turning to item 5 (b), she said that women could only enjoy equal participation in development if they were given the opportunity to do so and if they enjoyed their full civil and political, economic, social and cultural, and environmental rights on an equal footing with men. The preamble to the Convention on the Elimination of All Forms of Discrimination against Women rightly emphasized that full and complete development of a country, the welfare of the world and the cause of peace required the maximum participation of women on equal terms with men in all fields, that the role of both parents was vital for the upbringing of their children, and that the traditional roles of men and women should be changed if men and women were to enjoy equal rights. The various international conferences on women had shown that only a few women enjoyed the equal opportunities set forth in the Charter of the United Nations, the Universal Declaration of Human Rights, the international covenants on human rights and many other national, regional and international instruments. If women in the rural and urban world were to join with men in order to enhance peace and development, an end must be put to the horrible traditional practices affecting their health and the health of children. States must act to outlaw such practices as crimes punishable by terms of prison and repeal laws that discriminated against women and children. Finally, laws to enhance the equal enjoyment of human rights by women must be implemented and backed up by specific action.

63. Ms. AVELLA ESQUIVEL (Women's International Democratic Federation) said that despite the many efforts of the international community to eliminate discrimination against women, and despite some progress in relation to women and work, customs, traditions and religion were still being invoked to justify violations of women's rights.

64. The most disturbing example of the denial of women's rights was to be seen in Afghanistan, where women were practically buried alive, forbidden to go out or to work, were forced to beg in order to keep their families alive and where girls were unable to receive an education. In their repression against women, the cruel and inhuman Taliban regime violated all human rights. The restrictions on women amounted to a denial of the right to life. The Convention on the Elimination of All Forms of Discrimination against Women was meaningless for women who were publicly beaten for being inappropriately dressed, and who were tortured, ill-treated and humiliated in the name of religious extremism. The provisions of the Declaration on the Elimination of Violence against Women were ignored in Afghanistan, and the international community's response was inadequate.

65. In Somalia, women and children expelled from refugee camps were being raped or murdered or were the victims of war crimes. Non-governmental organizations were calling for the refugees to be moved to safer areas in north-western Somalia, rather than to more isolated areas in Kenya.

66. Turning to item 5 (b), she noted that the ILO had recognized that women did not have the same employment opportunities as men and were the first to

suffer in times of crisis. Neo-liberal policies and the privatization of State enterprises had put millions of women out of work in recent years. Although there was much talk of improving women's access to economic and political opportunities as part of sustainable human development policies, practical difficulties stood in the way. In many countries in the developed world, government policies did not provide adequate child-care facilities to enable women to leave the home and go to work. Motherhood was considered a personal choice, rather than a social function. Women constituted 70 per cent of the world's poor, and two thirds of women were illiterate. Much work would be needed to ensure the equality of women and to remove the threat of violence from their lives in a world where the economic forces and interests held the welfare of mankind to be secondary to making excessive profits.

67. Mr. Bengoa resumed the Chair.

68. Mr. ARTUCCIO (International Commission of Jurists), speaking on item 5 (a), said that the combined efforts of United Nations bodies, NGOs and the Special Rapporteur, Mrs. Warzazi, had led to widespread recognition of the need to end the practice of female genital mutilation. Even if the practice was without risk for a woman's health - which it was not - and was carried out under the best possible medical conditions, it was a cruel and degrading practice and a gross violation of the rights of women and girls. It was as paragraph 127 of the follow-up report (E/CN.4/Sub.2/1997/10) pointed out no longer a case simply of health but of human rights. He was concerned that, despite the recommendations of the Committee on the Elimination of Discrimination against Women and the denunciation of the practice by the Sub-Commission in its resolution 1996/19, female genital mutilation continued to be widely practised in Africa and Asia as well as within communities residing in Europe, North America and Australia. As the practice was such a sensitive issue in some societies, not only must laws be passed to prohibit it, but socio-cultural and religious attitudes must also be changed. He suggested that the Sub-Commission might request the Commission on Human Rights to call on all States to cooperate in eliminating the practice. The international community and the Governments concerned as well as national and international NGOs should also cooperate in raising awareness of the issue and offer financial and other support to those working to eliminate the practice.

69. Ms. SILWAL (International Progress Organisation) cited a report by the Human Rights Commission of Pakistan which documented an increase in the number of divorces resulting from arranged marriages that had failed, cases of the sale of brides, rape, discrimination against women in employment, religion used as the basis of discrimination, domestic violence and bride-burning. The lot of women in Pakistan, to be exploited and treated as inferiors, was shared by women in many developing countries. How could women play an effective role in development? Discussions on the role of women in the development process did not always take into account the rigid social and religious patterns prevalent in many developing countries.

70. However, the notion that economic development alone determined the role of women in decision-making and productive sectors was false. For example, in some of the poorest countries, women not only managed the household but also participated fully in outdoor work. South Asia, with populations below

starvation levels in many countries, had many well-to-do women executives, teachers and doctors, and on the other hand rural women working in the fields. Nor was the role of women a function of the economic model followed by different countries. For example, prostitution abounded even in the richest capitalist countries. In the less prosperous socialist Cuba, women were active in every field of endeavour, and in traditionalist India, seats had been reserved for women in local self government. On the other hand, in some of the countries with the highest per capita incomes in the world, women had little or no role in economic activity. Societies' attitudes, evolved over the centuries, determined the role that women played in economic development. It was societies such as Pakistan, which legislated against women, and fundamentalist groups such as the Taliban, which denied women freedom of choice and reduced them to the status of chattel that merited the concern of the Sub-Commission.

71. Women had been the target of violence for centuries, irrespective of the societies to which they belonged. Women's capacity to absorb physical pain was evident. However, the increasing number of terrorist acts meant that they were increasingly being subjected to the greatest trauma of all, that of seeing their children maimed or killed. What fundamentalist terrorists did to destroy the lives of children and caused women indescribable distress when they saw their children holding guns instead of toys, chained up in schools in Pakistan, being fitted with artificial limbs in Afghanistan, or dressed in shrouds after a terrorist attack. Those were the realities that the women of today had to cope with and yet to define for themselves a productive role in the societies in which they lived. If the human rights of women were to be protected, the rights of their children had to be protected. The international community must take urgent action to ostracize societies that discriminated against women through constitutional, institutional or legal means, and to ostracize societies that encouraged extremist, fundamentalist or terrorist groups. Governments and NGOs should be encouraged to undertake programmes of education and awareness creation to debunk customs and traditions that mitigated against women becoming full partners in development. Only after that would women's contribution to the home and society become clear.

72. Mr. NASIM (International Islamic Federation of Student Organizations) said that, in contravention of all the principles enshrined in the Convention on the Elimination of All Forms of Discrimination against Women, to which India was a signatory, the fundamental human rights of women in Indian-held Kashmir were being flouted with impunity. The mentality of the occupying forces was revealed in comments by Mr. Bal Thakery, leader of the largest political party in India, the Bharatiya Janata Party (BJP), that Indian soldiers were right to rape Kashmiri women. Officials of the Indian army's Rashtriya Rifle (RR) had told visiting women activists that the "RR" stood for "rape and rape". Women had been verbally and physically harassed by Indian military personnel who cordoned off areas to search homes. Houses with only female occupants were especially targeted; "crack of dawn" rapes had become the norm. Women were hounded and sometimes disappeared. Kashmiri girls were also kidnapped by Indian soldiers claiming to be combating armed activists. Torture, too, had become a way of life in some villages. He gave the example of a girl detained by the Anantnag-based Special Operations Group who had

suffered cigarette burns all over her body, particularly her face. She had been released as she had no information to offer, but she was scarred for life. Other women were tortured continuously in secret lock-ups of the Special Operations Group.

73. Democracy in India was a sham: the extremist BJP controlled the agenda. For the past nine years, the Indian army had unleashed a reign of terror in Indian-held Kashmir. Kashmiri women faced the worst mental and physical torture imaginable. On the occasion of the fiftieth anniversary of India's independence, he requested the Sub-Commission to invite those persecuted women to come and relate their stories.

ORGANIZATION OF WORK (continued)

74. Mrs. IZE-CHARRIER (Secretary of the Sub-Commission) reminded NGOs that although they were entitled to submit written statements for translation into the three working languages and for distribution, those statements might not be read out in the meetings of the Sub-Commission.

The meeting rose at 1 p.m.